

REMARKS

Status of the Claims

Claims 1-40 are presently pending, and these presently pending claims include both nonelected and elected claims. In this regard, claims 38-40 are nonelected and have been withdrawn from consideration, and claims 1-37 are elected.

Previously dependent claim 30 has been amended to recite the subject matter of all claims in the chain of its dependency, and to be independent. Accordingly, claims 1, 30, 36, and claim 38 are independent. Of these, independent claims 1, 30, and 36 are elected, and independent claim 38 is nonelected.

Election/Restrictions

In accordance with the requirement of the Examiner, the election of Group I, claims 1-37, is affirmed.

Specification

In accordance with the Examiner's request, the specification has been reviewed for errors.

Rejection of claims 17 under 35 U.S.C. § 112, Second Paragraph, for Indefiniteness

As to the Examiner's conclusion that the term "highly" renders claim 17 indefinite, it is noted that the full recitation at issue in this matter is --- a highly crosslinked polydimethylsiloxane---. In this regard, it is respectfully submitted that recitation of polymers as highly crosslinked is well known and accepted practice, and is not considered to be indefinite by those in the art. For instance, in

U.S. Patent No. 6,437,012 (WANG), claim 1 is directed, inter alia, to a highly crosslinked macroporous polymer.

A copy of WANG is filed with the present Reply. More patent examples demonstrating this point can be cited to the Examiner, if necessary.

In view of the foregoing, it is respectfully submitted that the recitation in claim 17, of the polydimethylsiloxane as being highly crosslinked, meets the requirements of 35 U.S.C. § 112, second paragraph.

Rejection of claims 1-6, 8-29, and 34-37 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,261,214 (MEGURIYA)

All of claims 1-6, 8-29, and 34-37 recite polyorganosiloxane from condensation polymerization. MEGURIYA teaches only organic peroxide cure organopolyisiloxane and addition cure organopolysiloxane (column 2, lines 63-67), and does not disclose or suggest condensation polymerized polyorganosiloxane material; particularly, this patent does not disclose or suggest Applicants' base cushion layer – recited, inter alia, as polyorganosiloxane material made by a condensation polymerization. For the foregoing reason alone, claims 1-6, 8-29, and 34-37 are patentable over MEGURIYA.

Applicants' claim 11 further defines the microsphere particles of the uncured formulation as unexpanded microspheres that are expanded during the recited condensation-polymerization; claim 12 depends from claim 11. The present Application confirms that microballoons are expanded, hollow microspheres, and distinguishes between unexpanded microspheres and expanded microspheres, particularly as these are employed in the uncured formulation of the invention (page 8, lines 7-24; page 10, lines 1-5 and 15-19; page 15, line 18 through page 16, line 14; and elsewhere in the Application). MEGURIYA

teaches only microballoons, and does not disclose or suggest the presence of unexpanded microspheres. For this additional reason, claims 11 and 12 are patentable over MEGURIYA.

Applicants' claim 21 is directed to a thermal conductivity range of approximately between 0.2 BTU/hr/ft/°F – 0.5 BTU/hr/ft/°F. MEGURIYA teaches a thermal conductivity upper limit of 5.0×10^{-4} cal/cm·sec·°C. In this patent it is specified that this is a preferred upper limit, and that the intended objects are sometimes unattainable if this limit is exceeded (column 5, lines 29-37).

The MEGURIYA 5.0×10^{-4} cal/cm·sec·°C upper limit translates to 0.12 BTU/hr/ft/°F. It is respectfully submitted that the difference separating the actual numerical ranges of Applicants' claim 21 and MEGURIYA – i.e., between the MEGURIYA 1.2 BTU/hr/ft/°F upper limit and Applicants' recited lower limit value of 0.2 BTU/hr/ft/°F – is too great to be bridged by Applicants' qualifier "approximately". For this additional reason, Claim 21 is patentable over MEGURIYA.

Applicants' claims 25-28 recite the pressure roller of Applicants' invention. MEGURIYA (Abstract; column 1, lines 4-8 and column 1, line 65 through column 2, line 1; column 2, lines 7-12) teaches heat fixing rolls. MEGURIYA does not disclose or suggest a pressure roller. For this additional reason, claims 25-28 are patentable over MEGURIYA.

Rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over MEGURIYA

Claim 7 is are patentable over MEGURIYA for the same reasons as stated with respect to claims 1-6, 8-29, and 34-37.

Provisional rejection of claims 1-9, 11-14, and 15-37 over claims 1-3, 5-7, 9-12, 15-17, 21, 22, 24-29, and 30-37 of copending Application No. 10/667,548 for obviousness-type double patenting

Rejection of claims 1-32 and 34-37 over claim 31 of U.S. Patent No. 6,486,441 (CHEN et al.) in view of MEGURIYA for obviousness-type double patenting

A Terminal Disclaimer, pertaining to Application No. 10/667,548 and also pertaining to CHEN et al., has been filed concurrently with this Reply. It is therefore respectfully submitted that both the provisional rejection for obviousness-type double patenting, and the rejection for obviousness-type double patenting, have been addressed.

Allowability of claim 30-33 as amended

As has been noted, the only rejections of claims 30-33 in the present Office Action are the provisional rejection for obviousness-type double patenting, and the obviousness double patenting rejection. These rejections have been addressed by the indicated concurrent filing of a Terminal Disclaimer. Claims 31-33 ultimately depend from claim 31, and claim 31 has been made independent, with added recitation specifying the subject matter of all the claims from which claim 31 ultimately depends. Accordingly it is respectfully submitted that claims 30-33 are allowable in view of these circumstances, regardless of any other reasons supporting allowance.

CONCLUSION

It is respectfully submitted that, for the reasons as stated, the claims presently pending in this Application are patentable over the art of record, and the Application is otherwise in condition for allowance.

Withdrawal of the restriction requirement, withdrawal of the objections and rejections, and allowance of all pending claims, is respectfully requested. It is further respectfully requested that this allowance be set forth in the next Official Action for the Application.

Favorable action is respectfully solicited.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.